

REMARKS

In view of *McKesson Information Solutions, Inc. v. Bridge Medical, Inc.*, Applicant wishes to bring the following information to the attention of the Examiner.

Applicant attaches herewith a copy of a Decision by the Board of Patent Appeals and Interferences mailed October 30, 2003 in the parent Appln. Ser. No. 09/109,884, filed July 2, 1998, now USP 6,721,174 issued April 13, 2004.

In view of the above, this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant does not believe any fees are due with this Communication. However, please charge any additional fees for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to deposit account No. 50-0911. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: July 26, 2007

By: 

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The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 40

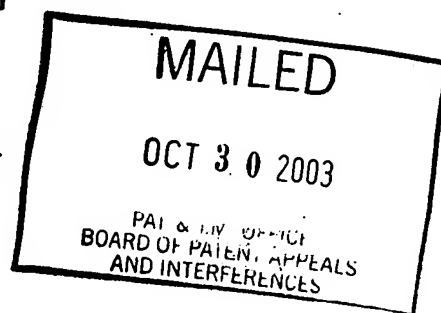
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte YOUNG UN BANG

Appeal No. 2003-1519
Application No. 09/109,884

ON BRIEF



Before OWENS, LIEBERMAN, and POTEATE, Administrative Patent Judges.

LIEBERMAN, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal under 35 U.S.C. § 134 from the decision of the examiner refusing to allow claims 1, 3, 5, 7 through 17, 19 through 24 and 26 through 37 which are all the claims pending in this application.

THE INVENTION

The invention is directed to a liquid crystal display (LCD) apparatus wherein the front surface of the LCD module is covered with a metal frame. The LCD module has an enclosure surrounding a side and rear surface. A case prepared from aluminum or an alloy

thereof is secured to the enclosure and electrically coupled to the LCD display module via the metal frame. Additional limitations are described in the following illustrative claim.

THE CLAIM

Claim 1 is illustrative of appellant's invention and is reproduced below:

1. A liquid crystal display apparatus, comprising:

a liquid crystal display module for displaying data a periphery of the front surface of the liquid crystal display module being covered with a metal frame;

an enclosure loaded with the liquid crystal display module and substantially surrounding a side surface and a rear surface of the liquid crystal display module; and

a case secured to the enclosure and the liquid crystal display module, said case being made from aluminum or aluminum alloy to protect the circumference of a display area in the liquid crystal display module and electrically coupled to said liquid crystal display module via the metal frame.

THE REFERENCES OF RECORD

As evidence of obviousness, the examiner relies upon the following references:

Plesinger	5,146,354	Sep. 8, 1992
Kim	5,872,606	Feb. 16, 1999
Yeager et al. (Yeager)	6,002,582	Dec. 14, 1999

THE REJECTIONS

Claims 1, 3, 17, 19, 23, 26, 30 through 32 and 34 through 37 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yeager in view of Plesinger.

Claims 5, 7, 24 and 33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yeager in view of Plesinger and further in view of Kim.

Claims 8 through 16, 20 through 22 and 27 through 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yeager in view of Plesinger and further in view of Kim.

OPINION

We have carefully considered all of the arguments advanced by the appellant and the examiner and agree with the appellant that the rejections of the claims under Section 103(a) are not well founded. Accordingly, we reverse each of the rejections

The Rejection under Section 103(a)

It is the examiner's position that, "[i]t would have been obvious to [sic, the person] having ordinary skill in the art at the time the invention was made to modify the display apparatus of Yeager with the metal case (or bezel) taught by Plesinger for the purpose of having better EMI shielding and heat dissipation." See Answer, page 4. We disagree.

The conclusion of the examiner is based upon numerous findings of fact which form the basis for the examiner's conclusion of obviousness supra. We find however, that many of the findings are in themselves either erroneous or misidentify the elements found in the references. Thus, 28 is found to be a display apparatus in the Answer. See Answer, page 3. Yeager, however, identifies 28 as "a hinged top or cover." See column 2, lines 37-38, 44 and 50. The Answer identifies 64 as constituting a metal frame. See Answer, page 3. Yeager however, identifies 64 as a metal band. See column 2, line 64. Most significantly, the Answer identifies 48 as constituting a case or bezel. See Answer, page 3.

Yeager however, not only identifies 48 as an "adapter," column 3, lines 1 and 6, but uses the term, "bezel" for 50. See column 3, lines 36, 42 and 63. Accordingly, the discussion of the Yeager reference in the Answer is confusing and in conflict with the specific teachings of Yeager.

Furthermore, the characterization of Plesinger is likewise without merit. The Answer identifies 122, Fig. 4 as a case or bezel. Plesinger, however, identifies 122 as a front frame member. Moreover, Plesinger explicitly teaches that, "the entire assembly described above is enclosed in a separate plastic enclosure 126. The plastic enclosure 126 preferably comprises a front panel 128 having plastic tabs 130 (FIG. 4) and a pan-shaped back member 132 having lip members 134 (FIG. 4)." See column 4, lines 32-36. See also column 5, lines 56-62. Accordingly, we conclude that Plesinger fails to teach a display apparatus having a metal bezel or case, let alone one from aluminum.

Based upon the above analysis, we have determined that the examiner's legal conclusion of obviousness is not supported by the facts. "Where the legal conclusion is not supported by [the] facts[,] it cannot stand." In re Warner, 379 F.2d 1011, 1017, 154 USPQ 173, 178 (CCPA 1967), cert. denied, 389 U.S. 1057 (1968), reh'g denied, 390 U.S. 1000 (1968).

In view of the fact that the examiner did not rely upon Kim to remedy the limitations of claim 5 that appear in claim 1, we need not consider the Kim reference.

DECISION

The rejection of claims 1, 3, 17, 19, 23, 26, 30 through 32 and 34 through 37 under 35 U.S.C. §103(a) as being unpatentable over Yeager in view of Plesinger is reversed.

The rejection of claims 5, 7, 24 and under 35 U.S.C. §103(a) as being unpatentable over Yeager in view of Plesinger and further in view of Kim is reversed.

The decision of the examiner is reversed.

Terry J. Owens
TERRY J. OWENS
Administrative Patent Judge


PAUL LIEBERMAN
Administrative Patent Judge

Linda R. Poteate
LINDA R. POTEATE
Administrative Patent Judge

**BOARD OF PATENT
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Appeal No. 2003-1519
Application No. 09/109,884

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DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
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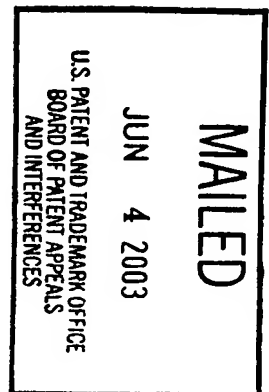
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Paper No: 39
Appeal No: 2003-1519
Appellant: BANG, YOUNG UN
Application: 09/109,884



**Board of Patent Appeals and Interferences
Docketing Notice**

Application 09/109,884 was received from the Technology Center at the Board on April 21, 2003 and has been assigned Appeal No: 2003-1519.

A review of the file indicates that the following documents have been filed by appellant:

Appeal Brief filed on: September 20, 2002
Reply Brief filed on: December 31, 2002
Request for Hearing filed on: None

In all future communications regarding this appeal, please include both the application number and the appeal number.

The mailing address for the Board is:

**BOARD OF PATENT APPEALS AND INTERFERENCES
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
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The facsimile number of the Board is 703-308-7952. Because of the heightened security in the Washington D.C. area, facsimile communications are recommended. Telephone inquiries can be made by calling 703-308-9797 and should be directed to a Program and Resource Administrator.

By order of the Board of Patent Appeals and Interferences

JUN 6 2003

DJC